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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 DAVID L. ERICKSON,

11 Plaintiff,

12 v.

13 SARGEANT LOPEZ et al.,

14 Defendants.

CASE NO. C11-5982-RJB-JRC

REPORT AND RECOMMENDATION

NOTED FOR: APRIL 20, 2012

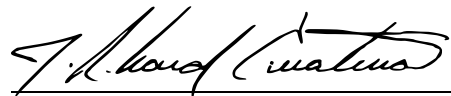
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16 This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned Magistrate
17 Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1,
18 MJR 3, and MJR 4. Plaintiff filed an amended complaint that added a defendant who is another
19 inmate, William Oliver (ECF No. 17). Plaintiff's claims against this defendant are state tort
20 claims. Plaintiff asked the Court to stay this action while he completed a tort claim process in
21 state court (ECF No. 18).

22 The Court denied the motion to stay the action and directed plaintiff to show cause why
23 the new defendant should not be summarily dismissed from the action (ECF No. 20). Plaintiff
24 has responded and agrees with the Court (ECF No. 22).

1 The Court, therefore, recommends that defendant William Oliver, and the tort claims in
2 the amended complaint be dismissed from this action without prejudice.

3 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have
4 fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P.
5 6. Failure to file objections will result in a waiver of those objections for purposes of de novo
6 review by the district judge. See 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit
7 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on April
8 20, 2012, as noted in the caption.

9 Dated this 19th day of March, 2012.

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12 J. Richard Creatura
13 United States Magistrate Judge
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